

Notice of Allowability

Application No.

09/780,916

Examiner

ABUL K. AZAD

Applicant(s)

BUCHHOLZ ET AL.

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the communication filed on August 3, 2004.
2. ☒ The allowed claim(s) is/are 25-38, 57-62 and 64-110.
3. ☒ The drawings filed on 09 February 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

A.K. Azad
11/11/04

DETAILED ACTION

Response to Amendment

1. This action is in response to the communication filed on August 3, 2004.
2. Claims 25-38, 57-62 and 64-110 are pending in this action. Claims 25, 29, 31-36, 57, 64, and 68 have been amended. Claims 1-24, 39-56 and 63 have been canceled. Claims 69-110 have been newly added.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Michael K. Lindsey (Reg. No. 39,278) on November 10, 2004.

The application has been amended as follows:

IN THE CLAIM:

Please amend claim 25 as follows:

25. A method for decoding digitized audio, wherein pause information has been added to the digitized audio, the pause information identifying pause types and [one or more] locations of one or more pauses occurring in audio information included in the digitized audio, the method comprising steps of:

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receiving the digitized audio;
providing reconstructed audio based on the digitized audio;
detecting a condition requiring at least temporary discontinuation of the reconstructed audio;
in response to detecting the condition, inserting one or more additional pauses into the reconstructed audio corresponding to the pause types and locations identified by the pause information.

Please amend claim 57 as follows:

57. An apparatus for decoding digitized audio, wherein pause information has been added to the digitized audio, the pause information identifying pause types and [one or more] locations of one or more pauses occurring in audio information included in the digitized audio, the apparatus comprising:

a controller;
a receiver, coupled to the controller, that receives the digitized audio and the pause information and that stores the digitized audio in an audio buffer;
an audio reconstructor, coupled to the controller and the audio buffer, that provides reconstructed audio based on the digitized audio stored in the audio buffer,
wherein the controller detects a condition requiring at least temporary discontinuation of the reconstructed audio and, in response to the condition, instructs the audio reconstructor to additionally pause the reconstructed audio at one or more instants corresponding to the pause types and locations identified by the pause information.

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Please amend claim 68 as follows:

68. A system for marking pauses in digitized audio comprising:

a voice activity detector, that takes the digitized audio as input and identifies at least one period of silence longer than a predetermined length within the digitized audio;

an encoder that provides the digitized audio as output, and that provides silence description information as output when the voice activity detector identifies the at least one period of silence;

a transmitter, coupled to the encoder, that transmits the digitized audio and the silence description information;

a receiver, in communication with the transmitter that receives the digitized audio and the silence description information from the transmitter;

an audio reconstructor, coupled to the receiver, that provides reconstructed audio based on the digitized audio; and

a controller, coupled to the receiver, that at least temporarily discontinues provision of the reconstructed audio and instructs the audio reconstructor to additionally pause the reconstructed audio based on a pause type and a pause location included in [the presence of] the silence description information.

Allowable Subject Matter

4. Claims 25-38, 57-62 and 64-110 are allowed over the prior art of record.
5. The following is an examiner's statement of reasons for allowance:

As per independent claims 25, 69 and 80, the applicant teaches a method for decoding digitized audio, wherein pause information has added to the digitized audio, the pause information identifying pause types and locations of one or more pause occurring in audio included in the digitized audio. As per independent claims 57, 68, 92 and 101, the applicant teaches, an apparatus for decoding digitized audio, wherein pause information has been added to the digitized audio, the pause information identifying pause types and locations of one or more pause occurring in audio information included in the digitized audio. The prior art of record fails to teach or fairly suggest the claimed combinations of features. Particularly the prior art of record fails to teach, detecting the condition, inserting one or more additional pauses into the reconstructed audio corresponding to the pause types and locations identified by the pause information.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is **(703) 305-3838**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richemond Dorvil**, can be reached at **(703) 305-9645**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

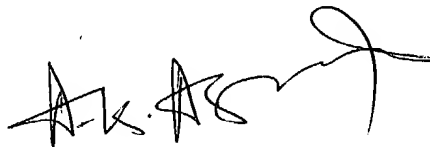
Or faxed to:

(703) 872-9314

(For informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center's Customer Service Office at telephone number **(703) 306-0377**.

A handwritten signature in black ink, appearing to read 'A.K. Azad', with a stylized flourish at the end.

Abul K. Azad

November 11, 2004